THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.20527 OF 2006

Between

Bandi Latha D/o Subbanna Dora

…petitioner

vs.

The District Collector, Vizianagarm and three others.

..Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.20527 OF 2006

ORAL ORDER

In this writ petition the petitioner questions the order of the District Collector,Vizianagaram cancelling the "Caste Certificate" in exercise of powers under the A.P.(Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act,1993 (for short "the Act").

The petitioner, claiming to be belonging to Scheduled Tribe i.e., "Konda Dora", has applied for selection to the post of Teacher in 2000 and it is her case that she was selected in February,2001 and is presently working as Teacher in Primary School, Prathibhabharathi Colony, Elwin Peta, Gummalaxmipuram Post, Vizianagaram District. It is the grievance of the petitioner that without conducting proper enquiry, the impugned order is passed cancelling the Caste Certificate, issued to her.

As per the provisions of Sec.7(2) of the Act, there is a statutory remedy of appeal against the orders of the cancellation of Caste Certificate by the competent authority i.e., Collector and District Magistrate. In that view of the matter, there is no special reason to entertain this writ petition by bye-passing such remedy before the appellate authority. Under those circumstances, the writ petition is disposed of at the stage of admission, permitting the petitioner to prefer an appeal within a period of six (6) weeks from today. If such appeal is preferred, the appellate authority shall entertain the same and consider on its own merits.

However, it is stated that basing on the Caste Certificate the petitioner was already appointed as Teacher and was given posting orders and is presently working as such. In that view of the matter, the impugned order shall remain suspended till disposal of the appeal. It is also made clear that if no such appeal is filed within the time indicated above in this order, it is open for the respondents to take further steps in accordance with law.

Subject to above direction, the writ petition is disposed of at the stage of admission. No order as to costs.

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R.SUBHASH REDDY,J

29TH SEPTEMBER 2006

Note:

Furnish CC

In two(2) days.

(B/O)

*TSNR